Docket No.: 03818/100L650-US1

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFIC RECEIVED

JUL 1 9 2005

In re Patent Application of:

Mladen Mercep et al.

OFFICE OF PETITIONS

Application No.: 10/615,716

Filed: July 8, 2003

Art Unit: 1623

Examiner: E. Peselev

For: NEW COMPOUNDS, COMPOSITIONS AND

METHODS FOR TREATMENT OF INFLAMMATORY DISEASES AND

**CONDITIONS** 

## PETITION UNDER 37 CFR 1.313(c)(2)

Mail Stop Petitions Commissioner for patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

We hereby request withdrawal of patent application 10/615,716 from issue. The application was allowed on April 1, 2005 and the issue fee was paid on June 30, 2005.

A request for continued examination in compliance with 37 CFR §1.114 is being submitted simultaneously with this petition.

There is a specific and potentially significant defect in the allowed application requiring this application to be withdrawn from issue. Particularly, applicants have become aware of several references that were not before the Examiner during prosecution of this application. These references are U.S. Pat. Pub. 2004/0186063 A1 and U.S. Pat. Pub. 2004/0087517 A1.

07/20/2005 AKELLEY 00000003 10615716

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130.00 OP

Our check in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) is enclosed. The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Accordingly, it is respectfully requested that this request for withdrawal from issue be granted.

Dated: July 18, 2005

Respectfully submitted

Lydia Gayle Olson

Registration No.: 48,487 DARBY & DARBY P.C.

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PTO/SB/17p (11-04)
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## **PETITION FEE** Under 37 CFR 1.17(f), (g) & (h) **TRANSMITTAL**

(Fees are subject to annual revision)

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Application Number	10/615,716			
Filing Date	July 8, 2003	RECEN	VED	
First Named Inventor	Mladen Mercep	JUL 1 9	2005	
Art Unit	1623	>=====================================	TITIONS	
Examiner Name	E. Peselev	OFFICE OF P		
Attorney Docket Number	03818/100L650-US1			

·	hat requires a processing fee (37 CFR 1.17(f)),			
(g), or (h)). Payment of \$ 130.00 is enclosed.  This form should be included with the above-mentioned petition and faxed	or mailed to the Office using the appropriate Mail Ston			
(e.g., Mail Stop Petition), if applicable. For transmittal of processing fees u	inder 37 CFR 1.17(i), see form PTO/SB/17i.			
Payment of Fees (small entity amounts are NOT available for the pet	ition fees).			
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Petition fee under 37 CFR 1.17(f), (g) or (h) X Ar	ny deficiency of fees and credit of any overpayments			
Enclose a duplicative copy of this form for fee processing.				
Check in the amount of \$ 130.00 is enclose				
Payment by credit card (Form PTO-2038 or equivalent enclosed	). Do not provide credit card information on this form.			
Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462				
For petitions filed under: § 1.53(e) – to accord a filing date.				
§ 1.57(a) – to accord a filing date. § 1.182 – for decision on a question not specifically provided for.				
§ 1.183 – to suspend the rules.				
§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent. § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.				
Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463				
For petitions filed under:  § 1.12 – for access to an assignment record.				
§ 1.14 – for access to an application. § 1.47 – for filling by other than all the inventors or a person not the inventor.				
§ 1.59 – for expungement of information. § 1.103(a) – to suspend action in an application.				
§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.				
§ 1.295 – for review of refusal to publish a statutory invention registration. § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.				
§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  § 1.550(c) – for patent owner requests for extension of time in exparte reexamination proceedings.				
§ 1.956 – for patent owner requests for extension of time in <u>inter partes</u> reexamination proceedings. § 5.12 – for expedited handling of a foreign filing license.				
§ 5.15 – for changing the scope of a license. § 5.25 – for retroactive license.				
Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464				
For petitions filed under: § 1.19(g) – to request documents in a form other than that provided in this part.				
§ 1.84 – for accepting color drawings or photographs.				
§ 1.91 – for entry of a model or exhibit. § 1.102(d) – to make an application special.				
§ 1.138(c) – to expressly abandon an application to avoid publication. § 1.313 – to withdraw an application from issue.				
§ 1.314 – to defer issuance of a patent.				
	July 18, 2005			
Signature	Date			
Lydia Gayle Olson	48,487			
Typed or printed name	Registration No., if applicable			